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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

Michael Katz-Lacabe and Dr. Jennifer  
Golbeck, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

ORACLE AMERICA, INC., a corporation  
organized under the laws of the State of  
Delaware,

Defendants.

Case No. 3-22-cv-04792-RS

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO EXTEND CASE**  
**DEADLINES**

Judge: Hon. Richard Seeborg

Date Action Filed: August 19, 2022  
FAC Filed: May 22, 2023  
Trial Date: Not set

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Pursuant to Civil Local Rule 6-2(a), Plaintiffs Michael Katz-Lacabe and Dr. Jennifer Golbeck and Defendant Oracle America, Inc., by and through their attorneys of record, stipulate as follows:

WHEREAS, on October 3, 2023, the Court granted in part and denied in part Oracle's motion to dismiss the First Amended Complaint ("October 3 Order") (ECF No. 77);

WHEREAS, the October 3 Order gave Plaintiffs 20 days, until October 23, 2023, to file a Second Amended Complaint ("SAC");

WHEREAS, pursuant to a stipulation between the parties, Oracle's deadline to respond to the claims in the Complaint that were not dismissed by the Court's April 6, 2023 Order is November 2, 2023 (ECF No. 60);

WHEREAS, pursuant to Fed. R. Civ. Proc. 12(a)(4)(A), Oracle's deadline to respond to the claims in the FAC that were not dismissed is October 17, 2023;

WHEREAS, on or before October 20, 2023, Plaintiffs intend, pursuant to Civil Local Rule 7-9(b), to file a Motion to Reconsider the Court's October 3 Order, solely with respect to whether California law on intrusion upon seclusion should apply to the proposed United States class;

WHEREAS, the parties met and conferred on October 16 and 17, 2023 and agreed that it would conserve judicial and party resources for Oracle to answer in a single pleading any and all claims that survive Oracle's anticipated motion to dismiss Plaintiffs' anticipated SAC 30 days after a ruling on Oracle's motion to dismiss the SAC (Declaration of Purvi G. Patel ("Patel Decl.") ¶ 2);

WHEREAS, due to the complexities of the issues, and in light of Plaintiffs' forthcoming Motion to Reconsider, the parties further agree to extend Plaintiffs' deadline to file the SAC, and agree to a briefing schedule for Oracle's anticipated motion to dismiss (Patel Decl. ¶ 3);

WHEREAS, Plaintiffs' motion for class certification and class expert reports are currently due on December 15, 2023, Oracle's opposition thereto and expert reports are due February 8, 2024, and Plaintiffs' reply in support and rebuttal expert reports if any are due March 7, 2024, with the motion to be heard on March 28, 2024 (ECF No. 34);

1 WHEREAS, the parties agreed, in light of the current posture of the case, to extend the  
 2 deadline for Plaintiffs to file their motion for class certification, and agreed to a briefing schedule  
 3 for the motion (Patel Decl. ¶ 4);

4 WHEREAS, the parties acknowledge and agree that they may seek a further extension of  
 5 the class certification schedule if circumstances so warrant;

6 WHEREAS, the parties have previously stipulated four times to extend deadlines in this  
 7 case (ECF Nos. 21, 50, 52, 59), each of which the Court approved (ECF Nos. 22, 51, 53, 60)  
 8 (Patel Decl. ¶ 5);

9 NOW THEREFORE, the parties hereby stipulate and agree, subject to the approval of the  
 10 Court, that:

- 11 1. Oracle's deadline to answer all non-dismissed claims in the anticipated SAC  
 12 (including those surviving claims from the Complaint and the FAC) shall be extended  
 13 to 30 days after the Court's order on Oracle's motion to dismiss;
- 14 2. Plaintiffs shall file their SAC on or before 20 days from the date the Court either rules  
 15 on Plaintiffs' forthcoming motion for reconsideration or denies Plaintiffs' motion for  
 16 leave to file a motion for reconsideration;
- 17 3. Oracle shall file its motion to dismiss the SAC on or before 35 days from the date the  
 18 SAC is filed;
- 19 4. Plaintiffs shall file their opposition to Oracle's motion to dismiss on or before 30 days  
 20 from the date Oracle's motion to dismiss the SAC is filed;
- 21 5. Oracle shall file its reply in support of its motion to dismiss on or before 20 days after  
 22 Plaintiffs' opposition is filed;
- 23 6. Plaintiffs shall file their motion for class certification and class expert reports on or  
 24 before May 1, 2024;
- 25 7. Oracle shall file its opposition to Plaintiffs' motion for class certification and class  
 26 expert reports on or before June 25, 2024;
- 27 8. Plaintiffs shall file any reply to Oracle's opposition and rebuttal class expert reports, if  
 28 any, on or before July 23, 2024; and

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9. Plaintiffs shall notice their motion for class certification on August 8, 2024, at 1:30 p.m., or on a date or time otherwise directed by the Court.

Dated: October 17, 2023

LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP

By: /s/ David T. Rudolph

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***Attorneys for Plaintiffs***

***Michael Katz-Lacabe and Dr. Jennifer  
Golbeck***

Dated: October 17, 2023

MORRISON & FOERSTER LLP

By: /s/ Purvi G. Patel

Purvi G. Patel

***Attorneys for Defendant***

***Oracle America, Inc.***

**ECF ATTESTATION**

I, Purvi G. Patel, am the ECF User whose ID and password are being used to file this  
**JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND CASE DEADLINES.**

In accordance with Civil L.R. 5-1(h)(3), concurrence in and authorization of the filing of this document has been obtained from David Rudolph, counsel for Plaintiffs, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: October 17, 2023

MORRISON & FOERSTER LLP

By: /s/ Purvi G. Patel

Purvi G. Patel

*Attorneys for Defendant  
Oracle America, Inc.*

**~~PROPOSED~~ ORDER**

Pursuant to the parties' stipulation, the Court hereby orders that:

1. Oracle's deadline to answer all non-dismissed claims in the anticipated SAC (including those surviving claims from the Complaint and the FAC) shall be extended to 30 days after the Court's order on Oracle's motion;
2. Plaintiffs shall file their SAC on or before 20 days from the date the Court either rules on Plaintiffs' forthcoming motion for reconsideration or denies Plaintiffs' motion for leave to file a motion for reconsideration;
3. Oracle shall file its motion to dismiss the SAC on or before 35 days from the date the SAC is filed;
4. Plaintiffs shall file their opposition to Oracle's motion to dismiss on or before 30 days from the date Oracle's motion to dismiss the SAC is filed;
5. Oracle shall file its reply in support of its motion to dismiss on or before 20 days after Plaintiffs' opposition is filed;
6. Plaintiffs shall file their motion for class certification and class expert reports on or before May 1, 2024;
7. Oracle's shall file its opposition to Plaintiffs' motion for class certification and class expert reports on or before June 25, 2024;
8. Plaintiffs shall file any reply to defendant's opposition and rebuttal class expert reports, if any on or before July 23, 2024; and
9. Plaintiffs shall notice their motion for class certification on August 8, 2024, at 1:30 p.m., or on a date or time otherwise directed by the Court.

**IT IS SO ORDERED.**

Dated: 10/18/2023

  
 Honorable Richard Seeborg  
 United States District Court Judge